

American River Basin: Upper Unionhouse Creek Flood Protection Project

Attachment 1: Authorization and Eligibility Requirements

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Authorizing Documentation

The Sacramento Area Flood Control Agency Board of Directors will convene on May 19, 2011 to adopt a resolution authorizing the Executive Director to prepare and submit this Proposition (Prop) 1E Grant Application and to subsequently execute an agreement with the State of California for an Integrated Regional Water Management Stormwater Flood Management Grant. A copy of the draft resolution is included as an appendix to this attachment.

Eligible Applicant Documentation

1. Is the applicant a local agency as defined in the Appendix B of the Guidelines? Please explain.

The Sacramento Area Flood Control Agency (SAFCA) was formed through a Joint Exercise of Powers Agreement between the City of Sacramento, Sacramento County, the County of Sutter, the American River Flood Control District and Reclamation District 1000. As such, SAFCA is considered to be a local agency as defined in Appendix B of the *Proposition 84 and 1E IRWM Guidelines*. The city was founded in 1849 and is the oldest incorporated city in California.

2. What is the statutory or other legal authority under which the applicant was formed and is authorized to operate?

As mentioned above, SAFCA was formed through a Joint Exercise of Powers Agreement between the City of Sacramento, Sacramento County, the County of Sutter, the American River Flood Control District and Reclamation District 1000. As such, SAFCA is authorized to operate under the Joint Exercise of Powers Act, California Government Code sections 6500 through 6599.3 (the “JPA Act”).

3. Does the applicant have legal authority to enter into a grant agreement with the State of California?

SAFCA is authorized under Section 6503 of the JPA Act to enter into a grant agreement with the State of California.

4. Describe any legal agreements among partner agencies and/or organizations that ensure performance of the Proposal and tracking of funds.

SAFCA is solely responsible for the implementation of the project and is therefore solely responsible for the performance of the Proposal and tracking of funds.

GWMP Compliance

The Upper Unionhouse Creek Flood Protection Project does have the potential to impact groundwater in a positive manner (primarily through the promotion of groundwater recharge). Further, the proposed project is covered under the *Central Sacramento County Groundwater Management Plan* (MWH, February 2006), which was completed in compliance with CWC § 10753.7. A copy of this groundwater management plan is included as part of this attachment. Further, SAFCA has consented to be subject to the Central Sacramento County GWMP.

Compliance with CWC §83002.(b)(3)(B)

The SAFCA jurisdiction lies within the American River Basin (ARB) IRWM Region. The ARB IRWM Region was accepted through the 2009 Regional Acceptance Process (RAP) as shown in Table 1 of the *Proposition 1E IRWM Grant Program – Proposal Solicitation Package for Stormwater Grants*. The ARB IRWM Plan was adopted in May 2006 (adopting resolutions are included in Attachment 2 of this Proposal). The Regional Water Authority, the regional agency authorized to develop and implement the ARB IRWM Plan, formally adopted the Plan on May 18, 2006. Because the Plan was adopted prior to September 30, 2008, it is not being submitted as part of Attachment 1.

Consistency with an Adopted IRWM Plan

The Upper Unionhouse Creek Flood Protection Project was not included in the adopted ARB IRWM Plan. Only a few stormwater projects were included in the 2006 IRWMP; this reflects that plans necessarily modify to respond to changing conditions, and that there has been new thinking in planning resulting from the IRWM effort (i.e., progress is continually being made in integrated planning). At the time of adoption, the ARB IRWM Plan was silent on the process for adding projects to the Plan because it was assumed that the IRWM should always be a living document. Since no process was identified, a description of how the current project was identified is included in the following section along with a description of how the project was vetted through a public process.

Process for Identifying the Projects in the Current Funding Application

On August 24, 2010, RWA released an open call for projects to a list of all known stakeholders at that time involved in the ARB IRWM Plan update. This list included 145 individuals representing more than 100 distinct local and state government agencies, non-governmental organizations, volunteer groups, and others. The e-mail and distribution list and a table showing those organizations that received this announcement are included with the supporting documentation in with this application (Att1_SWF_SAFCA_Eligible_2of3). This was followed by a public meeting on September 1, 2010 to explain how the planned update of the ARB IRWM Plan would continue while developing an implementation grant application and how to submit a project for the application. This meeting was attended by over 30 stakeholders. A list of attendees, the presentation, and the project input form are included in this application (Att1_SWF_SAFCA_Eligible_2of3).

In response to the August call for projects, RWA received 51 project descriptions. Staff developed a list of primary and other considerations based on criteria in the application to evaluate each of the projects. The list of considerations is included in this application (Att1_SWF_SAFCA_Eligible_2of3). Staff met with the ARB IRWM Advisory Committee to review project submittals on October 20th. Eight projects were pulled from consideration at the request of the project proponents prior to the meeting, so a total of 43 projects were considered. The Advisory Committee suggested that we divide the projects into tiers from 1 (those most highly

recommended) to 4 (those not recommended to proceed with the current application). The Advisory Committee concurred on the Tier 1 projects. The committee recognized the merit of Tier 2 projects and advised staff to work with project proponents to determine which of these should move forward with the current effort. Tier 3 projects were seen as very unlikely to be included for this round of funding, but the committee advised staff to look at these projects again to determine if we were missing some potential benefit of the project. A listing of the projects and their initial tiers is included in this application (Att1_SWF_SAFCA_Eligible_2of3). Following the Advisory Committee meeting, staff worked with the projects in the highest tiers to identify a suite of projects to include in the implementation grant submittal. It is worth noting that two projects in Tier 1 withdrew during development of the application. On December 10th, the project proponent for a fish screen on Auburn Ravine at Pleasant Grove Canal requested to withdraw its project. That project is pursuing a different source of funding. On December 15th, the project proponent for a recycled water project in the Sunset Industrial area of Placer County requested to withdraw its project, citing policy issues that were unresolved.

In March of 2011, RWA staff again contacted regional stakeholders to identify potential projects for inclusion in a Proposition 1E IRWM Stormwater Flood Management Grant application. Projects identified were summarized and submitted to all known stakeholders in the IRWM process for consideration. The e-mail is included in this application (Att1_SWF_SAFCA_Eligible_2of3). Staff requested that any comments, concerns, or questions on the list of projects be submitted by Tuesday, April 12th. No comments on the projects were received, and the project was considered to be fully vetted and therefore considered consistent with the adopted IRWM Plan.

Draft Authorizing Resolution

RESOLUTION NO. 2011-xxx

Adopted by the Sacramento Area Flood Control Agency

WHEREAS, Unionhouse Creek is a tributary to Morrison Creek in the southern part of the City of Sacramento (City) and in unincorporated Sacramento County (County);

WHEREAS, the portion of Unionhouse Creek between Franklin Boulevard and the Union Pacific Railroad line has been improved as part of the Federally authorized South Sacramento Streams Group Project (Federal Project).

WHEREAS, east of Franklin Boulevard where the creek is confined to an excavated channel, hydraulic modeling studies indicate that portions of the channel flood out of bank in 100-year and more frequent storms inundating low lying urban neighborhoods on both sides of the creek and causing damage to approximately 250 homes in the inundation area.

WHEREAS, the authorized scope of the Federal Project includes the Unionhouse Creek channel between Franklin Boulevard and Center Parkway, however the U. S. Army Corps of Engineers (Corps) has halted design and construction efforts east of Franklin Boulevard pending completion of a Limited Re-evaluation Report to update the hydrology of the watershed and confirm the costs and benefits of extending the Federal Project improvements to this portion of the creek.

WHEREAS, this pause in the Federal Project is delaying flood protection efforts in this area and complicating ongoing regional transportation projects in the publically owned corridor adjacent to Unionhouse Creek where the City intends to expand the existing roadway into a four-lane expressway connecting Highway 99 and Interstate 5 and the Sacramento Regional Transit Authority (RT) intends to extend light rail service along the northern edge of the expanded roadway.

WHEREAS, recent studies by SAFCA indicate that the flood risk along this portion of Unionhouse Creek could be addressed in a cost-effective manner by expanding the width and adjusting the depth of the existing channel between Franklin Boulevard and Bruceville Road so as to provide at least a 100-year level of flood protection to the lands adjacent to the creek in this area, thereby removing 250 homes from the regulated floodplain and relieving the homeowners of the burden of costly flood insurance.

WHEREAS, if such improvements are undertaken with non-federal funding they could be implemented with only minor adjustments in the designs of the adjacent transportation projects; the Federal Project on Unionhouse Creek could be terminated at Franklin Boulevard; current funding demands on the Federal Project could be significantly lessened; and the funds remaining within the authorized Federal Project cost ceiling could be used for flood damage reduction along Morrison Creek and its tributaries north of Unionhouse Creek.

NOW, THEREFORE, BE IT RESOLVED BY THE SACRAMENTO AREA
FLOOD CONTROL AGENCY BOARD OF DIRECTORS THAT:

The Executive Director is hereby authorized to make application to the California Department of Water Resources to obtain Stormwater Flood Management grant funding pursuant to the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Public Resource Code Section 5096.800 *et seq.*) for the Unionhouse Creek Flood Protection Project as described in Exhibit A and to prepare the necessary data, conduct investigations, file such application, and execute a grant agreement with California Department of Water Resources.

ON A MOTION BY Director _____, seconded by Director _____, the foregoing resolution was passed and adopted by the Board of Directors of the Sacramento Area Flood Control Agency, this 19th day of May 2011, by the following vote, to wit:

AYES: Directors:

NOES: Directors:

ABSTAIN: Directors:

ABSENT: Directors:

Chair of the Board of Directors of the
Sacramento Area Flood Control Agency

(SEAL)

ATTEST:

Clerk of the Board of Directors

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Attachment(s)